


**Commonwealth of Kentucky  
Kentucky Transportation Cabinet  
OFFICE OF ACCOUNTABILITY**

Date of Report: November 13, 2003

**Final Report**

**OIG Case:** 2003-OIG-036

**Investigator:** Charles HINES

**Status:** Closed 

**SYNOPSIS:**

The Office of Transportation Accountability (OTA) for the Kentucky Transportation Cabinet (KYTC) has completed an investigation into the changing of proposed routes, referred to from this point as "alternates", of a highway project currently under design in District 8, Somerset, Kentucky.

The project involves the construction of the Southwest Bypass (SWB) and its point of connectivity to the proposed Northwest Bypass (NWB), also under design. Both bypasses will join the Louie B. Nunn Parkway. The NWB is to be a section of the proposed Interstate 66.

This investigation came as a result of allegations made by a Somerset citizen and landowner, Mr. Michael TODD. M. TODD alleged that the change from Alternate 6 to preferred Alternate 7 was politically influenced/manipulated. M. TODD eventually contacted the media who ran the story that the new preferred alternate would route the SWB over and through the properties of Doug and Guy JONES. The JONES' were KYTC employees, both working in and around the District 8 offices in Somerset. Inspector General Bobby RUSSELL was notified of the allegations and assigned Investigator Charles HINES to look into the reasons for the change of preferred alternates.

HINES' investigation did not reveal any evidence to show that the JONES' had any influence on the positioning of the bypass. Several people in the Somerset area told HINES that they suspected the JONES' were politically connected and capable of manipulating the system to get what they want. No one was able to provide HINES with any viable evidence or leads that the JONES' did in fact influence any decision regarding the placement of the SWB. Both JONES' have since left state service. D. JONES retired effective Aug 31, 2003 and G. JONES resigned his position effective Aug 8, 2003. Both JONES quit their positions for reasons unrelated to this investigation. The reasons for their leaving were not related to this investigation but did serve to further exacerbate the public's perception of them and the project.

HINES' investigation revealed that on or about October 2001 a meeting was held between Congressman Hal ROGERS, former Chief District Engineer (CDE) Roger COFFEY and Project Manager David BEATTIE. According to both COFFEY and BEATTIE, H. ROGERS indicated that that he would prefer better connectivity between the SWB and NWB with the Parkway than Alternate 6 demonstrated. This suggestion was, in the opinions of COFFEY and BEATTIE, a better engineering design. COFFEY and BEATTIE traveled to the central offices in Frankfort where they discussed this new plan with Deputy State Highway Engineer Mike HANCOCK. HINES spoke with HANCOCK and verified this event. HANCOCK agreed that the SWB would better serve its purpose if moved further to the west and instructed District 8 personnel to study the issue. HINES submitted a set of related questions to H. ROGERS' office in Somerset. H. ROGERS' responded with his confirmation that he did meet with COFFEY and BEATTIE to discuss the SWB.

Furthering the investigation, HINES visited the Pulaski county Property Value Administrator, T.W. TODD (no relation to M. TODD) who informed HINES that there had not been any unusual property transfers in the area of the proposed bypasses. T. TODD and employees in the PVA office worked with HINES in researching the properties owned in and around the project area. HINES did find that both G. JONES and D. JONES own property in the line of or near the preferred Alternate 7 for the SWB. The most recent deed of transfer, dated August 8, 2002, is property of D. JONES.

Additionally, citizen's comments from the public meeting of preferred Alternate 6 held in August 2000 indicated that many in the Somerset community desired to have the SWB placed further to the west. The comments from the public meeting for preferred Alternate 7 held in August 2003 showed that some citizen's were very agreeable to Alternate 7; those that were opposed blamed politics as the reason for moving from Alternate 6.

In the course of this investigation HINES spoke with several of the District 8 and State Highway Engineer's Office staff. HINES also spoke with former members of the District 8 staff. With the exception of one individual and M. TODD, everyone agreed with the placement of the Alternate 7 and described it as the most advantageous from an engineering and community perspective. The SWB at Alternate 7 being farther west would allow for the growth of Somerset. Alternate 7 would tie into the parkway and the NWB with a more seamless design, functioning more as one interchange.

The allegations made by M. TODD are unfounded. However, M. TODD felt that he was given assurances by KYTC that the construction of Alternate 6 would happen. BEATTIE told HINES that he did in fact tell M. TODD that the Alternate 6 SWB was as sure to be built as he had seen any other project. With this assurance, M. TODD sold off a portion of his land in anticipation that the state would eventually have to buy the rest. When the alternate was moved, M. TODD was perplexed and concerned that the new placement crossed the JONES' property.



### **FINDINGS:**

- No evidence could be found that the JONES, or any other state government employee, influenced the positioning of the SWB for personal reasons.
- Both Guy and Doug JONES quit their positions for reasons unrelated to this investigation.
- M. TODD sold a portion of his property in anticipation that the SWB was going to be built as Alternate 6.
- Both BEATTIE and FRANCIS alluded to M.TODD that they felt Alternate 6 was going to be built. However, BEATTIE and FRANCIS cannot be held liable for M.TODD's decision to sell off property.
- It appears that the impetus for the change from Alternate 6 to Alternate 7 was to achieve better connectivity between the Southwest and Northwest Bypasses and to allow more room for growth by placing the Southwest Bypass further west.

### **RECOMMENDATIONS:**

- It is recommended that KYTC employees withhold any comments, educated guesses or experienced-based predictions from the public during any phase of a KYTC project.
- It is recommended that all meetings and developments that are influential in the planning or management of a project design be documented.

### **INVESTIGATOR'S NOTES:**

The JONES' could not have conspired with all the individuals involved in this investigation and influence their responses to HINES.

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NOTHING FOLLOWS